

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 HA-05 MCT-01 CIAE-00
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 PA-01
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O R 191730Z APR 78
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 7130
USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
USMISSION GENEVA

C O N F I D E N T I A L CAPE TOWN 780

E.O. 11652: GDS
TAGS: PINS, SHUM, WA
SUBJECT: NAMIBIA: NEW SECURITY PROCLAMATION

1. ADMINISTRATOR-GENERAL M.T. STEYN ISSUED A SPECIAL
SECURITY PROCLAMATION APRIL 18 WHICH WILL GIVE HIM WIDE
POWERS TO DETAIN NAMIBIANS WHOM HE CONSIDERS A DANGER TO
PEACE AND SECURITY.

THE "DETENTION FOR THE PREVENTION OF POLITICAL VIOLENCE
AND INTIMIDATION PROCLAMATION, 1978" GIVES STEYN THE
POWER TO ISSUE A WARRANT FOR THE INDEFINITE PREVENTIVE
DETENTION OF ANY PERSON. STEYN HIMSELF MUST SIGN EACH
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WARRANT AND CANNOT DELEGATE THIS RESPONSIBILITY. DETAINEES
WILL HAVE NO RECOURSE TO THE COURTS, AND WHILE THEY
MAY MAKE REPRESENTATIONS TO A SPECIAL THREE-MAN
REVIEW COMMITTEE, THE COMMITTEE'S SECRET FINDINGS
WILL NOT BE BINDING ON THE ADMINISTRATOR-GENERAL.
ACCORDING TO THE PROCLAMATION, CONDITIONS OF DETENTION
WILL BE AT THE DISCRETION OF THE A-G, BUT DETAINEES

ARE TO BE VISITED AT LEAST ONCE EVERY THREE DAYS BY A DOCTOR AND EVERY TWO WEEKS BY A MAGISTRATE. DETAINEES' FAMILIES ARE TO BE NOTIFIED OF THEIR ARREST, AND TOLD WHERE THE DETAINEE IS BEING HELD. THE DETAINEE HIMSELF WILL BE FURNISHED "AS FAR AS POSSIBLE" WITH THE REASONS FOR HIS DETENTION.

2. AT A PRESS CONFERENCE FOLLOWING THE PROCLAMATION'S RELEASE, STEYN REPORTEDLY SAID THAT THE NEW MEASURE WAS AIMED AT PRESERVING THE WESTERN INITIATIVE AND ITS GOAL OF A PEACEFUL SOLUTION FOR THE TERRITORY. HE ADDED THAT THE PROCLAMATION WAS AIMED AT INDIVIDUALS, AND NOT AT ANY PARTICULAR POLITICAL PARTY. THE PRESS ALSO QUOTED DIRK MUDGE AS SAYING "SHOULD THEY (THE NEW MEASURES) NOT SUCCEED, EVEN MORE SEVERE MEASURES SHOULD BE TAKEN."

3. AN OFFICIAL AT THE ADMINISTRATOR-GENERAL'S OFFICE TOLD US THAT NO ARRESTS UNDER THE NEW PROCLAMATION HAVE YET BEEN MADE. HE ADDED THAT WHILE THE TERRORISM ACT AND OTHER SECURITY LEGISLATION HAD NOT BEEN REPEALED, THE A-G'S HOPE WAS THAT THEY WOULD NOW NO LONGER BE USED. THE STATUS OF PERSONS PRESENTLY HELD UNDER SUCH LAWS, HOWEVER, IS NOT AFFECTED.

4. DURING FAREWELL RECEPTION FOR AMBASSADOR BOWDLER
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APRIL 17, FOREIGN MINISTER BOTHA INFORMED BRITISH AMBASSADOR SIR DAVID SCOTT THAT THIS ACTION BY THE A-G WOULD BE FORTHCOMING. BOTHA UNDERSCORED THAT SWAPO WOULD NOT BE BANNED; STEPS TAKEN UNDER THE NEW MEASURE BY THE A-G WOULD BE APPLIED TO ANYONE INCLUDING WHITES AND NON-SWAPO BLACKS WHO WERE THREATENING THE PEACE. BOTHA ADDED THAT THE TERRORISM AND INTERNAL SECURITY ACTS AS APPLICABLE TO SOUTH WEST WOULD BE REPEALED. BOTHA EMPHASIZED THAT IF THE WESTERN FIVE WERE TO ASK THE SAG TO RESCIND THIS MOVE, THIS WOULD MAKE IT IMPOSSIBLE FOR HIM (BOTHA) VIS-A-VIS HIS COLLEAGUES. THE SAG, HE EMPHASIZED, WOULD FIND IT IMPOSSIBLE TO REVERSE THE DECISION.

5. COMMENT: THIS STEP IS LIKELY TO BE SEIZED BY SWAPO AND ITS PROPONENTS AS ANOTHER EVIDENCE OF SOUTH AFRICA'S PERFIDY AND INSINCERITY. MORE IMPORTANT WILL BE WHETHER AND HOW STEYN EXERCISES HIS NEW AUTHORITY. IF, AS IS QUITE POSSIBLE, THERE ARE NOW EXTENSIVE DETENTIONS OF SWAPO ADHERENTS IN NAMIBIA, THERE WILL BE A NEW OBSTACLE TO PROGRESS ON THE WESTERN PROPOSAL.

6. WE RECOMMEND THAT THE NEW YORK CONTACT GROUP
CONSIDER AN INSTRUCTION TO THE CAPE TOWN FIVE TO APPROACH
BRAND FOURIE ON THIS ISSUE ALONG THE FOLLOWING LINES:
ASSUMPTION BY THE AG OF ORDINARY POLICE POWERS IN
NAMIBIA WOULD BE CONSISTENT WITH THE WESTERN PROPOSAL.
HIS ASSUMPTION OF AUTHORITY TO DETAIN WITHOUT TRIAL OR
CHARGE, HOWEVER, IS CERTAIN TO CREATE DIFFICULTIES AND
COMPLICATIONS IN THE SEARCH FOR AGREEMENT ON THE
PROPOSAL. IT WILL, FOR EXAMPLE, BE EXPLOITED DURING THE
GENERAL ASSEMBLY SPECIAL SESSION TO CAST DOUBT ON SAG
INTENTIONS AND THE ACCEPTABILITY OF JUDGE STEYN AS AG.
THE FIVE UNDERSTAND THE LAW AND ORDER DIFFICULTIES FACED
BY THE AG, BUT URGE THAT THE AG REFRAIN FROM EXERCISING
HIS POWERS UNDER THE NEW PROCLAMATION OR, IF THIS IS
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CONSIDERED IMPOSSIBLE, THAT HE EXERCISE THE UTMOST RESTRAINT.
ASSUMPTION OF POLICE AND JUSTICE RESPONSIBILITIES BY THE
AG AND REPEAL OF SOUTH AFRICAN TERRORISM AND INTERNAL
SECURITY ACTS AS RELEVANT TO NAMIBIA WOULD BE WELCOME MOVES.
NELSON

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NNN

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